

Appl. No. 10/801028
Amdt. Dated 7-11-06
Reply to Office Action of 4-18-06

Remarks/Arguments

Applicant would like to thank the examiner for the thorough review of the present application. Applicant maintains his position that the claimed invention is neither taught nor rendered obvious by the prior art of record. Please note, the examiner did not directly rebut many of applicant's arguments stated in the previous amendment. Therefore, applicant presumes the examiner does not dispute applicant's position and a notice of allowance should be issued in due course. If applicant's presumption is incorrect, Applicant respectfully requests the examiner to specifically respond to applicant's assertions stated hereinbelow. When responding, it is helpful for the examiner to follow applicant's bullet points so that proper consideration can be made for purposes of appeal and/or continuation prosecution.

Amended Claims 1 – 6 are Patentable

- *a housing positioned inside a spool opening and being secured to said stationary handle.* No prior art of record teaches or renders obvious such a claimed recitation. Neither McDermott nor Kulage nor Cooper teaches their housings connected inside a spool, as claimed by the Applicant. The examiner did not rebut applicant's assertion regarding this matter. Further, McDermott's housing 17 is not connected to stationary handle 31, as claimed by the applicant. McDermott's FIG. 5 shows housing 17 connected to finger 33 via forcing pin 38.

- *wherein said stationary handle has a downwardly converging bottom surface forming a stop against which said movable handle is directly abutted when said movable handle is adapted to the lowered position so that said movable handle is prohibited from moving below said bottom surface of said stationary handle.* No prior art of record teaches or renders obvious such a claimed recitation. The examiner did not rebut applicant's assertion regarding this matter. McDermott's movable handle 21 is positioned below its stationary handle 31 (see FIG. 3). This structural relationship is opposite to applicant's claimed invention.

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- *said housing including a plurality of pistons slidably mounted therein and having a plurality of spaced apertures formed about said plurality of pistons, said housing further including an elongated fastening member secured to said plurality of pistons and to said movable handle.* There is no teaching, suggestion or motivation to include a second piston in McDermott because a person of ordinary skill in the art would find it redundant, unnecessary and costly to include combine Kulage's pistons with McDermott's piston. Further, Applicant respectfully submits the examiner has incorrectly stated the precedent that mere duplication of essential working parts involves routine skill in the art. Such a legal precedent is applicable in cases where the duplicate parts provide no additional advantage for solving the problem, whereas in the present case one of ordinary skill in the art would understand that additional pistons would not provide McDermott a stronger engagement on the inside of the object being transported. Applicant notes that McDermott's structural design would not benefit from an additional piston because McDermott already employs a plurality of gripping elements 25 in combination with its links 27, 28, whereas applicant's structural design would benefit from two pistons because it does not employ additional reinforcing elements such as McDermott's gripping elements 25 and links 27, 28 (see FIGS. 1 and 3). Therefore, applicant maintains his position that one skilled in the art would not be motivated to combine Kulage's pistons with McDermott's invention.

- *wherein one of said pistons is seated within said lower section and another of said pistons is seated within said upper section.* No prior art of record teaches or renders obvious such a claimed recitation. The examiner did not rebut applicant's assertion regarding this matter.

- *wherein each of said latching members has a longitudinal length substantially equal to a thickness of said pistons respectively.* No prior art of record teaches or renders obvious such a claimed recitation. McDermott's and Kulage's latching members are necessarily longer than their respective pistons to adequately engage side

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walls of the object being transported. The examiner did not rebut applicant's assertion regarding this matter.

- *said upper section having a tapered bottom edge directly conjoined with a top edge of said lower section, said predetermined diameter of said upper section being greater than said predetermined diameter of said lower section.* No prior art of record teaches or renders obvious such a claimed recitation. The examiner did not rebut applicant's assertion regarding this matter.

- *a second set of said plurality of latching members are diametrically spaced approximately 120 degrees apart, said second set of latching members being disposed below said first set of latching members and for cooperating therewith to maintain said device securely engaged with a spool of cable.* Kulage does not teach such a claimed second set of latching members spaced 120 degrees apart because Kulage teaches the use of four cams 18 (see FIG. 4, column 4, lines 17-18). Therefore, any hypothetical combination with McDermott would not teach all of Applicant's claimed recitations.

- *said stationary handle has a plurality of substantially vertical grooves formed therein and for guiding said movable handle therealong.* There is no teaching, suggestion or motivation to combine Cooper's grooves with McDermott's stationary handle 31 because a person of ordinary skill in the art knows it is unnecessary and counter intuitive to modify McDermott's handle with Cooper's grooves for the purpose of guiding the movable handle within the stationary handle, as reasoned by the examiner. The examiner did not rebut applicant's assertion regarding this matter.

In view of these considerations, it is respectfully submitted that the rejection of the pending claims should be considered as no longer tenable with respect to the above mentioned arguments. All pending dependent claims necessarily include the recitations of their independent claims and therefore are also in condition for allowance.

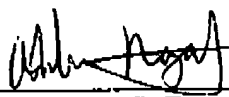
Should the examiner consider necessary or desirable to make formal changes

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anywhere in the specification, claims and/or drawings, then it is respectfully asked that such changes be made by examiner's Amendment, if the examiner feels this would facilitate passage of the case to issuance. Alternatively, should the examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned attorney.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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